

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

COURTHOUSE NEWS SERVICE,

Plaintiffs,

v.

PAMELA Q. HARRIS, ET AL.,

Defendants.

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No. 1:22-cv-00548-JRR

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DECLARATION OF JAMIE WALTER, Ph.D.

Jamie Walter, Ph.D. hereby declares and affirms as follows:

1. I am more than 18 years of age and competent to testify, upon personal knowledge, to the facts set forth herein.

2. I am the Program Director of Research and Analysis for Maryland's Administrative Office of the Courts ("AOC"). I have held this position since June 2015. I have worked for and in the Maryland Judiciary since 2008.

3. As stated on its website, AOC is the central support agency for Maryland's judicial branch and provides a broad range of support services to Maryland's courts including in operations, information technology, management, financial, administration, and programs.

4. I worked for AOC in the fields of research, data analytics, and statistics between October 2008 – November 2012 as a Senior Researcher, conducting research and analysis. I then worked for the District Court of Maryland as the Director of Operations, performing workload and performance statistics and analysis. Since June 2015, I have held my current position of Program Director of Research and Analysis for AOC. In this position I conduct research and program analysis and provide statistical and analytical reports on court performance, caseloads, and other court data. I am experienced in research design, data collection and statistical analysis, report preparation and dissemination, and management of research staff.

5. I have taught university courses in statistics. I have authored multiple peer-reviewed publications and government reports. I am intimately familiar with the following computer software: Microsoft Excel, SPSS, and Tyler Odyssey.

6. Odyssey is Maryland's electronic case management system, first implemented in any Maryland court in 2014. "File and Serve" is Maryland's electronic filing program used by attorneys and other authorized users. It is available at <https://maryland.tylerhost.net/OfsWeb/FileAndServeModule>. Maryland's Electronic Court ("MDEC") applications include products from Tyler Technologies, Inc. ("Tyler"). "MDEC" refers collectively to a suite of applications, including Tyler's Odyssey and File and Serve. The public has a choice, however, from among several e-filing service providers. This list is available at <https://mdcourts.gov/mdec/efilingproviders>.

7. As stated, MDEC courts in Maryland use Tyler to provide a computer software platform for electronic filing of court papers/filings/records. Unlike Courthouse

News Service's method for obtaining data in support of its court filings to date in this case, AOC and Tyler can and did monitor and track, with precision, the actual data at issue in this case by obtaining all the data directly from Tyler.

8. In response to the allegations in this case, at AOC I participated in tracking timeliness. The timeliness measure used is the time between when new civil complaints were electronically "submitted"/"uploaded" into MDEC through "File and Serve" and when they were reviewed and accepted by the courts' clerk's offices and "transmitted"/"filed"/"docketed" and available to the public and press on: (1) the Maryland Judiciary Case Search website (a public website that provides access to certain information about case records, but does not provide access to pleadings, including complaints, themselves), available at <https://casesearch.courts.state.md.us/casesearch/>; (2) a computer terminal or kiosk in any Maryland MDEC courthouse in which all publicly available case records are available to the public to review, including complaints; and (3) the Maryland Judiciary Record Search website, available at <https://mdecportal.courts.state.md.us/MDODYSSEYPORTAL/> (a public website that provides access to certain information about case records, but does not provide access to pleadings, including complaints, except to registered users who are parties to the case or certain government agencies that can view documents).

9. When tracking this data, and when using the words in this declaration, the words "submitted" and "uploaded" are synonymous. They both refer to the point at which an attorney or other authorized user electronically "submits" or "uploads" a document to MDEC for clerk review prior to the time the document is transmitted/filed/docketed in the

case and available for public review. This is analogous to mailing a document to a court for filing in non-MDEC jurisdictions and to mailing a document to a court for filing in MDEC jurisdictions prior to the implementation of MDEC.

10. When tracking this data, and when using the words in this declaration, the words “transmitted,” “filed,” and “docketed” are synonymous. They refer to the point at which a “submitted” or “uploaded” electronic document in MDEC is reviewed and accepted for filing and docketing by a respective court’s clerk’s office and is transmitted into Odyssey, therefore making it available to the public. This is analogous to courts filing/docketing recently received by mail and newly filed civil complaints in legacy systems in non-MDEC jurisdictions and in MDEC jurisdictions prior to the implementation of MDEC.

11. In MDEC, a newly submitted civil complaint (just like any other electronic document submitted through MDEC) is not transmitted until after clerical review by the clerk’s office of the respective court in which the civil complaint is submitted.

12. Once a newly submitted civil complaint is transmitted, it is immediately available to the press and public for electronic review as I describe in paragraph 8.

13. MDEC includes various types of categories of potential filings in a “drop-down box” that may potentially be considered newly submitted complaints in this case as desired by Courthouse News Service. AOC identified the following categories of documents that between October 1, 2021, and May 24, 2022, attorneys or registered users of MDEC submitted in MDEC as documents to initiate a new case record resulting in a case number that may be considered the equivalent of submitting a “new complaint,” based

upon what it appears Courthouse News Service desires. Accordingly, to track the timeliness between submitting and transmitting of newly submitted civil complaints in Maryland, AOC analyzed the time between submission and transmission of the following documents in MDEC: (1) complaint; (2) petition; (3) answer and complaint; (4) complaint – friendly suit; (5) cross complaint / claim; (6) petition for immediate foreclosure – against residential property; (7) petition for transfer of structured settlement; and (8) petition for writ of mandamus. There is not a “drop-down box” solely for “Complaint” and the “drop-down box” labeled “Complaint / Petition” encompasses more than 84% of the documents AOC considered to have been filed as newly submitted complaints for purposes of its calculations.

14. In its data tracking, AOC did everything possible to ensure that every possible electronically filed document that may be considered a newly submitted civil complaint as desired by Courthouse News Service was included. All the above categories of document types in paragraph 13 are believed to be inclusive of anything that may possibly be considered a newly submitted civil complaint in this case.

15. For purposes of AOC’s data collection and tracking, “business hours” are defined as 8:30 a.m. to 4:30 p.m. because that is when Maryland circuit courts and their respective clerk’s offices are open.

16. For purposes of AOC’s data collection and tracking, AOC calculated the time using business hours during which the clerks’ offices are open, only. This is because as was the case prior to the implementation of MDEC, civil complaints are available for public view at circuit court courthouses during business hours, only. As such, for purposes of

AOC's calculations, whenever a newly submitted civil complaint is submitted in MDEC outside of business hours—whether before courts open, after they close, or on a holiday, weekend, or other day a court is closed—that complaint is considered submitted at 8:30 a.m. the next business day the court in which the complaint was submitted is open. A newly submitted civil complaint that is later transmitted outside of business hours—regardless of when submitted—is considered as transmitted at 8:31 a.m. the next business day the court in which the complaint was submitted is open.

17. Between October 1, 2021, and May 24, 2022, the data confirms that Maryland's MDEC courts made newly submitted civil complaints accessible to the press and public, on average, within 3.9 business hours of submittal. The median number of business hours during this time is 1.6. Statewide, between October 1, 2021, and May 24, 2022, 85.2% of all newly submitted civil complaints were filed within 8 business hours and 1 minute. This means that, Statewide, 85.2% of all newly filed civil complaints have been made available for public review within 8 business hours and 1 business minute of submittal between October 1, 2021, and May 24, 2022. When the Circuit Court for Montgomery County is omitted from these calculations because it only just implemented MDEC on October 25, 2021, the average during this time drops to 2.7 business hours, and the median drops to 1.2 business hours. Statewide, between October 1, 2021, and May 24, 2022, with the Circuit Court for Montgomery County excluded, 91.7% of all newly submitted civil complaints were filed within 8 business hours and 1 business minute. This means that, excluding the Circuit Court for Montgomery County, 91.7% of all newly filed

civil complaints have been made available for public review within 8 business hours and 1 business minute of submittal between October 1, 2021, and May 24, 2022.

18. Between April 25, 2022, and May 24, 2022, the data confirms that Maryland's MDEC courts made newly submitted civil complaints accessible to the press and public, on average, within 1.3 business hours of submittal. The median number of business hours during this time is 0.7. Statewide, between April 25, 2022, and May 24, 2022, 98.9% of all newly submitted civil complaints were filed within 8 business hours and 1 business minute. This means that, Statewide, within the last 29-days 98.9% of all newly filed civil complaints are being made available for public review within 8 business hours and 1 business minute of submittal.

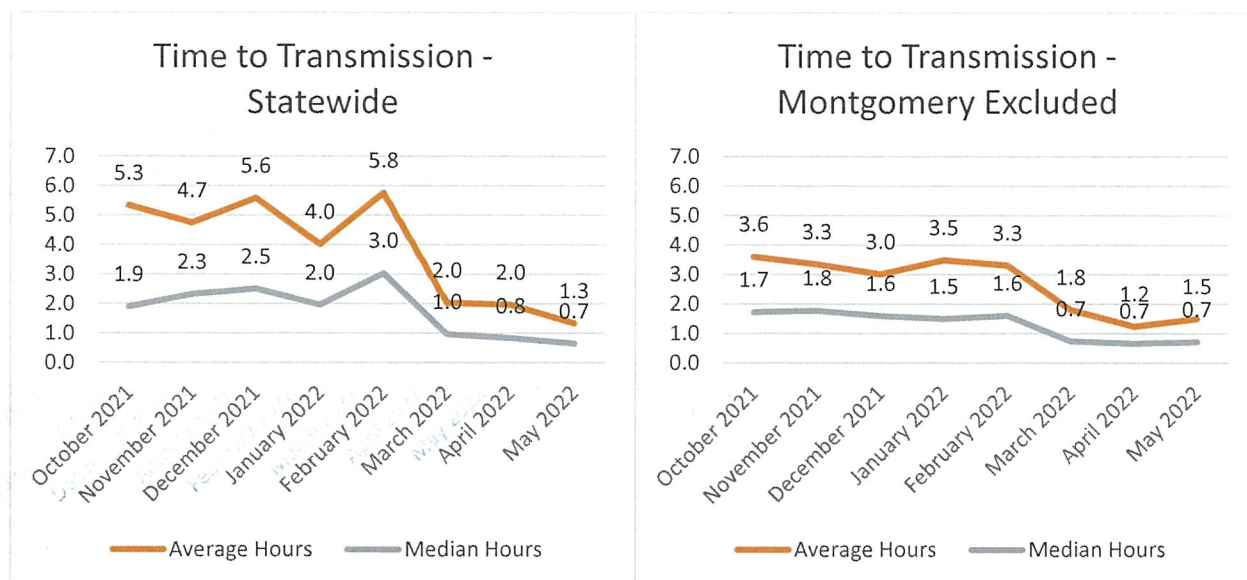
19. There is a clear learning curve for clerks and staff in implementing and using MDEC. Including the data from the Circuit Court for Montgomery County early on when MDEC went "live" in its court on October 25, 2021, distorts the data Statewide and is not an accurate representation of current Statewide statistical data regarding timeliness measures. Thus, it is best to look at the current data, which has allowed for 6-months of time for the Circuit Court for Montgomery County and its clerical staff to become familiar with MDEC. As noted, even when including the Circuit Court for Montgomery County, currently, 98.9% of all newly filed civil complaints are available for public review within 8 business hours and 1 business minute of submittal.

20. A table detailing AOC's data collection and tracking of the time between newly submitted civil complaints in MDEC courts and their timeliness of being made available to the press and public in average and median numbers by calculating and

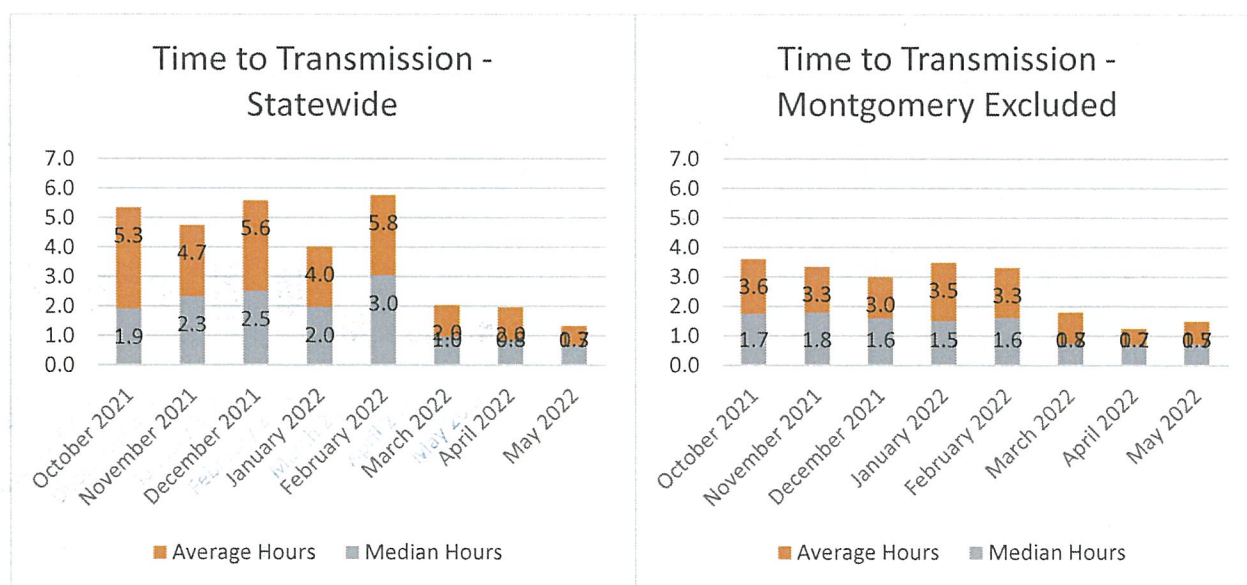
illustrating the time between submitting and transmitting between the two time periods October 1, 2021 – May 24, 2022, and April 25, 2022, and – May 24, 2022, is below on the next page. The below table on the next page was used to provide the information contained in paragraphs 17 and 18 of this declaration:

Initial Civil Complaints - Number of and Business Hours to Transmit (MDEC Circuit Courts Only)						
Jurisdiction	From 10/01/2021 to 05/24/2022			From 04/25/2022 to 05/24/2022		
	N	Average Hours	Median Hours	≤8:01 Bus. Hrs.	%age ≤8:01	
Allegany	114	0.7	0.5	114	100.0%	11
Anne Arundel	845	4.5	2.5	674	79.8%	84
Baltimore County	1,490	1.9	1.2	1,455	97.7%	218
Calvert	110	0.8	0.5	110	100.0%	10
Caroline	37	0.4	0.2	37	100.0%	5
Carroll	144	4.1	2.4	117	81.3%	14
Cecil	145	2.5	1.1	134	92.4%	13
Charles	319	4.3	1.3	258	80.9%	54
Dorchester	46	1.8	1.4	46	100.0%	5
Frederick	265	0.9	0.4	263	99.2%	29
Garrett	48	1.2	0.7	48	100.0%	5
Harford	288	0.8	0.4	288	100.0%	32
Howard	437	2.5	1.5	421	96.3%	54
Kent	63	7.4	7.1	36	57.1%	1
Montgomery	1,808	7.2	4.2	1,204	66.6%	229
Queen Anne's	54	1.4	0.6	52	96.3%	2
Saint Mary's	177	3.5	1.8	158	89.3%	19
Somerset	48	1.5	0.7	46	95.8%	10
Talbot	62	2.7	1.3	57	91.9%	6
Washington	184	5.4	2.1	143	77.7%	28
Wicomico	140	2.2	1.3	135	96.4%	20
Worcester	126	2.1	1.5	124	98.4%	14
Maryland Statewide	6,950	3.9	1.6	5,920	85.2%	870
Statewide Montgomery Omitted	5,142	2.7	1.2	4,716	91.7%	860

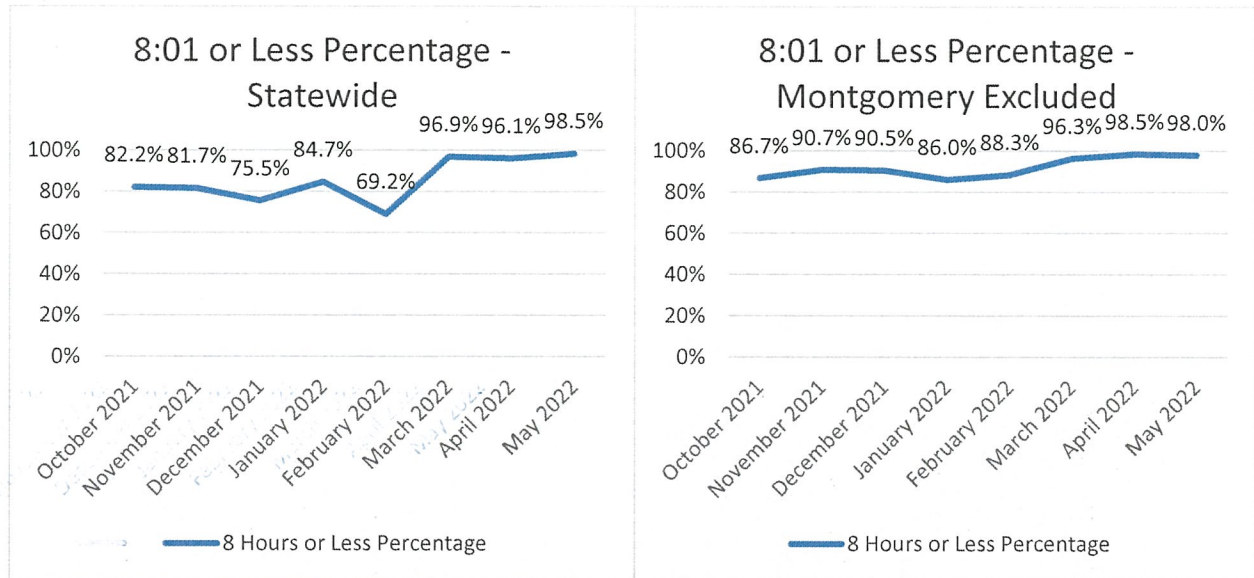
21. Two line graphs detailing the time (average and median hours) between newly submitted civil complaints in MDEC courts and their filing are below:



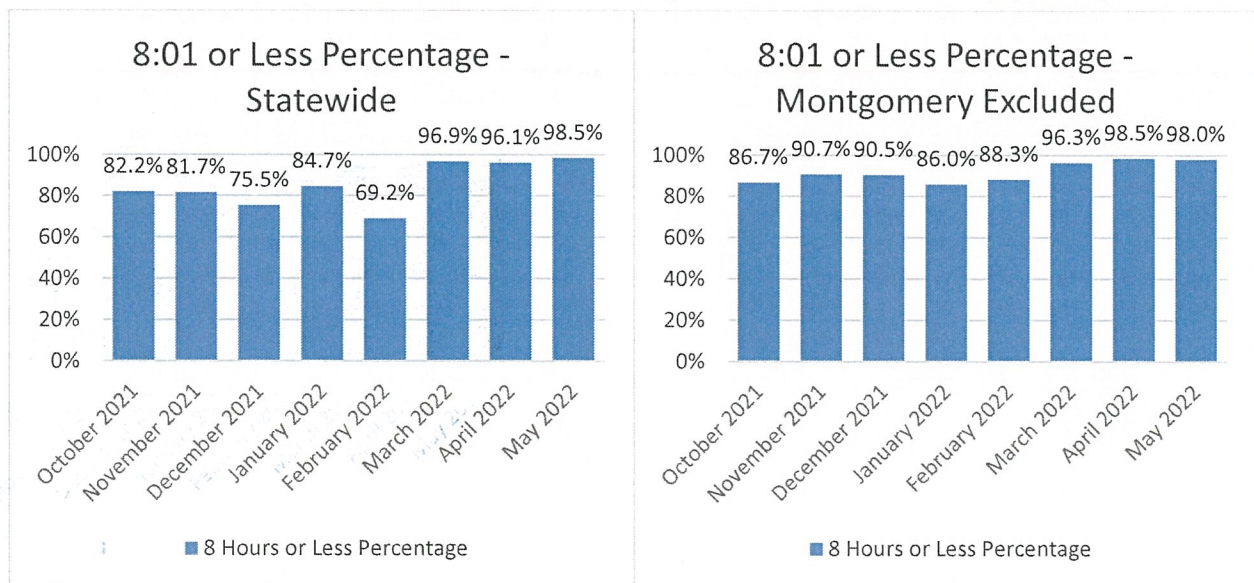
22. The same data and information illustrated in the two line graphs above in paragraph 21 are included below, merely in a different illustrative and demonstrative form, for convenience:



23. Two line graphs detailing the percentage of newly submitted civil complaints filed within eight (8) business hours and one (1) business minute of submission are below:



24. The same data and information illustrated in the two line graphs above in paragraph 23 are included below, merely in a different illustrative and demonstrative form, for convenience:



25. AOC's data collection and tracking, calculations, graphs, and illustrations included in this declaration are based on statistics calculated from all newly submitted and transmitted civil complaints, not a sample of cases. The underlying computer-generated data from which the numbers, charts, and graphs in this declaration were created were derived directly from Tyler and is, therefore, the best evidence of the numbers at issue in this case.

I hereby affirm, under the penalty of perjury, that the contents of the foregoing are true and correct.

26 May 2022
Date

Jamie Walter
Jamie Walter, Ph.D.